

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Section 68.4 of the Commission's Rules)	
Governing Hearing Aid Compatible)	WT Docket No. 01-
309		
)	
T-Mobile USA, Inc. Petition for Waiver of)	
Section 20.19 (c)(3)(i) of the Commission's)	
Rules)	

COMMENTS OF SELF HELP FOR HARD OF HEARING PEOPLE (SHHH)
(Electronic Submission)

SHHH¹ submits these comments in response to the Petition filed by T-Mobile USA, Inc. on August 26, 2005 seeking a waiver of Section 20.19 (c)(3) of the Commissions' rules governing hearing aid compatible telephones.

T-Mobile was on track to procure from its vendors four handsets that meet the Commission requirements in time for the September 16, 2005 deadline. Based on preliminary tests the handset manufacturers predicted

¹ Self Help for Hard of Hearing People, SHHH, is the nation's foremost consumer organization representing people with hearing loss. SHHH's national support network includes an office in the Washington D.C. area, 13 state organizations, and 250 local chapters. The SHHH mission is to open the world of communication to people with hearing loss through information, education, advocacy, and support. SHHH provides cutting edge information to consumers, professionals and family members through their website, www.hearingloss.org, their award -winning publication, *Hearing Loss, their Enews, message boards,*, and hearing accessible national and regional conventions. SHHH impacts accessibility, public policy, research, public awareness, and service delivery related to hearing loss on a national and global level.

that the phones would meet the U3 rating. Due to “unique and unusual factual circumstances beyond T-Mobile’s control” only two of the four handsets received certification according to the HAC standard.

This was a blow to T-Mobile and put them in a position of needing to identify two alternate models of phones that will have to go through final testing and will put the distribution of the handsets behind schedule.

This is the second surprise related to testing performed according to the ANSI C63.19 standard that has led to a request for a waiver of the HAC rules, the first being Cingular’s, on August 5th, 2005. All this has occurred in the last minute lead-up to the implementation of the Commission’s HAC rules due September 16, 2005. SHHH has ironically been in a position of supporting waivers that delay accessibility to mobile phones for millions of people with hearing loss, our constituents, for whom we have been fighting for access to wireless devices for the past decade. We have elected to support the waivers submitted by two carriers because we see they have been caught.

The carriers are dependent on handset manufacturers to deliver accessible phones. It appears that the carriers have very little leverage with their vendors in getting what the law requires and further are the parties that are expected to show accountability and file for waivers if they cannot

comply with the HAC rules. SHHH urges the Commission to hold manufacturers accountable in parallel with the carriers and to enforce Section 255 of the Telecommunications Act. At the very least they should be required to document what has been done, including basic design changes, to make their handsets accessible to people with hearing loss and in cases where it has not been possible, to document why that is so.

SHHH supports T-Mobile's request. The time period of 60 days is reasonable and they have already moved fast and intensively to rectify the situation. However, they have indicated that they will wait until they have all four models of phones inventoried and all the collateral materials in place before rolling out four compliant handsets. SHHH disagrees with this strategy and requests that the two handsets that have already been found compliant be rolled out by the deadline and the waiver be granted for the other two models. T-Mobile, in its waiver request, stated that they have "made substantial progress with respect to the distribution and marketing of the originally planned 1900 MHz handsets." Even though we recognize that rolling out two models followed later by two more models might make distribution more complicated, consumers will at least have two models of

phones to select from by the deadline rather than none and that is in the public interest.

Thank you for the opportunity to submit these comments.

Respectfully submitted,

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